

Fiscal Estimate - 2009 Session

☒ Original
 ☐ Updated
 ☐ Corrected
 ☐ Supplemental

LRB Number 09-0624/2	Introduction Number AB-0181	
Description Operating a motor vehicle without a valid driver's license or after suspension or revocation of an operating privilege and providing penalties		
Fiscal Effect State: <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs </div> </div> Local: <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory </div> <div style="width: 33%;"> 3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory </div> <div style="width: 33%;"> 5. Types of Local Government Units Affected <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> Towns <input type="checkbox"/> Counties <input type="checkbox"/> School Districts </div> <div style="width: 33%;"> <input type="checkbox"/> Village <input type="checkbox"/> Others <input type="checkbox"/> WTCS Districts </div> <div style="width: 33%;"> <input type="checkbox"/> Cities </div> </div> </div> </div>		
Fund Sources Affected Affected Ch. 20 Appropriations <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS		
Agency/Prepared By DA/ Tom Herman (608) 266-0239	Authorized Signature Tom Herman (608) 266-0239	Date 4/9/2009

Fiscal Estimate Narratives

DA 4/9/2009

LRB Number	09-0624/2	Introduction Number	AB-0181	Estimate Type	Original
Description Operating a motor vehicle without a valid driver's license or after suspension or revocation of an operating privilege and providing penalties					

Assumptions Used in Arriving at Fiscal Estimate

There is not sufficient data available to provide an estimated cost of enactment of this bill.

Long-Range Fiscal Implications

There is not sufficient data to make a long-range fiscal estimate as a result of enactment of this bill.

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Fiscal Estimate Narratives

DOC 4/21/2009

LRB Number 09-0624/2	Introduction Number AB-0181	Estimate Type Original
Description Operating a motor vehicle without a valid driver's license or after suspension or revocation of an operating privilege and providing penalties		

Assumptions Used in Arriving at Fiscal Estimate

This bill revises the penalties and language for a person convicted of operating a motor vehicle after an OWS (operating while suspended), OWL (operating without license) or OAR (operating after revocation) and causing great bodily harm or death.

Although the Department cannot predict the number of offenders who may be subject to the changes in the revised penalties or what the sentencing practices of the court will be, enactment of this legislation could result in increased costs to the Department.

In FY08 the annual cost of an inmate in a DOC institution was approximately \$30,300. However, when there is excess capacity in DOC facilities, the incremental costs (i.e. food, health care and clothing) of housing a small number of inmates was approximately \$4,600, in FY08. When there is no excess capacity in DOC facilities, as is currently the case, the Department uses contract beds at a rate of \$18,800 annually per person. The annual cost for community supervision was \$2,400 in FY08.

Long-Range Fiscal Implications

Fiscal Estimate - 2009 Session

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<div style="display: flex; justify-content: space-between;"> <div> Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS </div> <div> Affected Ch. 20 Appropriations </div> </div>	
Agency/Prepared By DOJ/ Mark Rinehart (608) 264-9463	Authorized Signature Mark Rinehart (608) 264-9463
Date 4/17/2009	

Fiscal Estimate Narratives

DOJ 4/17/2009

LRB Number	09-0624/2	Introduction Number	AB-0181	Estimate Type	Original
Description					
Operating a motor vehicle without a valid driver's license or after suspension or revocation of an operating privilege and providing penalties					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, a person who knowingly commits an operating while suspended (OWS), operating while revoked (OAR), or operating without a license (OWL) violation and causes great bodily harm or death to another person, is guilty of a Class A misdemeanor. Under Assembly Bill 181, a person who knowingly commits an OWS, OAR, or OWL violation is guilty of a Class I felony if the person causes great bodily harm to another person, and guilty of a Class H felony if the person causes the death of another person.

While most felony prosecutions are handled by district attorneys, assistant attorneys general in the Department of Justice's Criminal Litigation Unit on occasion act as special prosecutors throughout Wisconsin at the request of district attorneys. In addition, the Department of Justice's Criminal Appeals Unit represents the State of Wisconsin in defending felony convictions when those convictions are challenged in state or federal court. Under Wisconsin law, this unit is charged with preparing briefs and presenting arguments in front of any state appellate or federal court hearing a challenge to a felony conviction.

Since AB 181 broadens the types of activities that can be prosecuted as felonies, it is possible that the enactment of the bill could result in an increased caseload for the department's Criminal Litigation and Criminal Appeals units. The department is not certain how many new felony cases it may handle due to the enactment of AB 181. If the number of new cases DOJ is asked to prosecute, or DOJ is required to handle on appeal, is significant, the department will need additional resources to handle its increased caseload.

Long-Range Fiscal Implications

Fiscal Estimate - 2009 Session

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Fiscal Effect			
State:			
<input type="checkbox"/> No State Fiscal Effect			
<input checked="" type="checkbox"/> Indeterminate			
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Increase Existing Revenues	
<input type="checkbox"/> Decrease Existing Appropriations		<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Create New Appropriations		<input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget	
		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
		<input checked="" type="checkbox"/> Decrease Costs	
Local:			
<input type="checkbox"/> No Local Government Costs			
<input type="checkbox"/> Indeterminate			
1. <input type="checkbox"/> Increase Costs		3. <input type="checkbox"/> Increase Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs		4. <input type="checkbox"/> Decrease Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
5. Types of Local Government Units Affected			
<input type="checkbox"/> Towns		<input type="checkbox"/> Village <input type="checkbox"/> Cities	
<input type="checkbox"/> Counties		<input type="checkbox"/> Others	
<input type="checkbox"/> School Districts		<input type="checkbox"/> WTCS Districts	
Fund Sources Affected		Affected Ch. 20 Appropriations	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input checked="" type="checkbox"/> SEG <input type="checkbox"/> SEGS 20.395 (5) (cq)			
Agency/Prepared By		Authorized Signature	Date
DOT/ Richard Kleist (608) 264-7029		Julie Johnson (608) 267-3703	4/9/2009

Fiscal Estimate Narratives

DOT 4/9/2009

LRB Number	09-0624/2	Introduction Number	AB-0181	Estimate Type	Original
Description Operating a motor vehicle without a valid driver's license or after suspension or revocation of an operating privilege and providing penalties					

Assumptions Used in Arriving at Fiscal Estimate

BILL SUMMARY

This proposal aims to achieve three changes to state law:

- Restructuring the penalties for operating while suspended or revoked or without a license
- Changes the mandatory requirement that courts and DOT impose a revocation on a fourth offense operating while suspended making it permissive
- Makes changes to penalties for railroad crossing convictions.

ASSUMPTIONS

This provision would require data processing work for updating the DMV systems to not process an automatic revocation when receiving a fourth offense OWS/OAR/OWD conviction.

This provision may result in a reduction in the number of individual's revoked. Generally speaking a reduction in the number of revocations will result in a decrease in revenue due to a reduced collection of reinstatement fees. However, in this case the individuals impacted would already be under license withdrawal and be subject to a reinstatement fee, therefore revenue is not impacted. A reduction in the number of revocations processed will result in labor savings.

CONCLUSION

The fiscal impact for this bill is indeterminate. It is difficult to determine the labor savings as it is unknown how many courts will continue to order revocations on these types of convictions. There will be a one-time cost of approximately \$9,500 for updating DMV systems to not process an automatic revocation when receiving a fourth offense operating while suspended conviction.

Long-Range Fiscal Implications

See above.

Fiscal Estimate Worksheet - 2009 Session

Detailed Estimate of Annual Fiscal Effect

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I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect): There will be a one-time cost of approximately \$9,500 for updating DMV systems to not process an automatic revocation when receiving a fourth offense operating while suspended conviction and to update online license eligibility checking applications.		
II. Annualized Costs:	Annualized Fiscal Impact on funds from:	
	Increased Costs	Decreased Costs
A. State Costs by Category		
State Operations - Salaries and Fringes	\$	\$
(FTE Position Changes)		
State Operations - Other Costs		
Local Assistance		
Aids to Individuals or Organizations		
TOTAL State Costs by Category	\$	\$
B. State Costs by Source of Funds		
GPR		
FED		
PRO/PRS		
SEG/SEG-S		
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)		
	Increased Rev	Decreased Rev
GPR Taxes	\$	\$
GPR Earned		
FED		
PRO/PRS		
SEG/SEG-S		
TOTAL State Revenues	\$	\$
NET ANNUALIZED FISCAL IMPACT		
	State	Local
NET CHANGE IN COSTS	\$	\$
NET CHANGE IN REVENUE	\$	\$
Agency/Prepared By		
Authorized Signature		Date
DOT/ Richard Kleist (608) 264-7029		Julie Johnson (608) 267-3703
		4/9/2009

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<div style="display: flex; flex-wrap: wrap;"><div style="width: 33%;"><input type="checkbox"/> Create New Appropriations</div></div>			
Local:			
<div style="display: flex; flex-wrap: wrap;"><div style="width: 33%;"><input type="checkbox"/> No Local Government Costs</div><div style="width: 33%;"><input type="checkbox"/> Indeterminate</div><div style="width: 33%;">5. Types of Local Government Units Affected</div></div>			
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Fund Sources Affected		Affected Ch. 20 Appropriations	
<input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS			
Agency/Prepared By		Authorized Signature	Date
SPD/ Arlene Banoul (608) 266-9447		Krista Ginger (608) 264-8572	4/10/2009

Fiscal Estimate Narratives

SPD 4/10/2009

LRB Number	09-0624/2	Introduction Number	AB-0181	Estimate Type	Original
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Assumptions Used in Arriving at Fiscal Estimate

The State Public Defender (SPD) is statutorily authorized and required to appoint attorneys to represent indigent defendants in criminal proceedings. The SPD plays a major role in ensuring that the Wisconsin justice system complies with the right to counsel provided by both the state and federal constitutions. Any legislation has the potential to increase SPD costs if it creates a new criminal offense, expands the definition of an existing criminal offense, or increases the penalties for an existing offense.

This bill has a number of provisions regarding the consequences for unlicensed drivers who are adjudicated for operating vehicles illegally. A range of criminal penalties and administrative consequence (revocation and suspension of driving privileges) are specified for different fact situations. The three aspects of the bill that would be the most likely to affect the SPD are as follows.

1. New or expanded criminal penalties
2. Situations no longer requiring revocation of driving privileges
3. Situations that would require revocation of driving privileges

1. New or expanded penalties

This bill would expand the circumstances under which criminal offense may be charged when an unlicensed driver causes death or great bodily harm. The additional cases that could be charged would be classified as felony offenses. In fiscal year 2008, the SPD's average cost per felony was \$544.58. The SPD does not have data available to estimate the number of additional charges. However, it is likely that in some cases, including any cases in which strong evidence exists of intoxication or reckless driving, a felony case would be charged under current law.

2. Situations no longer requiring revocation of driving privileges

The bill would remove the mandatory revocation of driving privileges that presently applies following a fourth offense of operating after revocation (OAR) and similar offense, unless. The SPD does not anticipate any increase in its caseload, expenditures, or revenues as a result of this proposal.

This aspect of the bill would result in fewer cases of 5th-offense OAR, which in turn would result in a savings of \$217.54 per case, calculated on the basis of the SPD's average cost per case in fiscal year 2008. The SPD does not have data available to determine the number of cases by which the SPD's misdemeanor caseload would be reduced. It is common for persons convicted of OAR 4th to have multiple barriers to reinstating their operating privileges. Although the changes proposed in the bill would eliminate the mandatory revocation under current law, the bill would not affect revocations imposed as a result of other convictions (for example, for operating while intoxicated). The Department of Transportation may be able to estimate the impact that this bill would have on the number of misdemeanor traffic cases.

The biennial budget bill contains a provision that would make the offense of OAR a non-criminal offense unless the underlying revocation stems from an alcohol-related or drug-related violation. If this provision in the budget bill becomes law, the SPD anticipates a decrease in misdemeanor traffic cases (which the SPD has estimated as part of the budget process). Thus, any decrease in criminal cases that might occur as a result of this bill would likely occur as part of the decrease attributable to the provision in the budget bill.

3. Situations that would require revocation of driving privileges

The bill would require revocation of driving privileges in some circumstances when it is not mandatory under current law. In these situations, some persons subject to revocation will likely be charged for OAR, 2nd or subsequent offense, which is a misdemeanor offense. This aspect of the bill would result in additional cases

of OAR, 2nd or subsequent offense, which in turn would result in an increased cost of \$217.54 per case, calculated on the basis of the SPD's average cost per case in fiscal year 2008.

The SPD does not have data available to estimate the number of additional OAR cases that would result from this aspect of the bill. Also, the changes proposed in the budget bill to the OAR penalty structure (discussed in section 2, above) could mitigate this increase in costs.

Counties are also subject to increased costs when a new crime is created. There are some defendants who, despite exceeding the SPD's statutory financial guidelines, are constitutionally eligible for appointment of counsel because it would be a substantial hardship for them to retain an attorney. The court is required to appoint counsel at county expense for these defendants. Therefore, counties could also see an increase in the costs for appointed counsel attributable to the expanded scope of felony offenses. Counties could also experience the effects described above in sections 2 & 3, attributable to changes in the circumstances in which revocation of driving privileges is mandatory. Counties could also incur additional costs associated with incarceration of defendants, both pending trial and after sentencing.

Long-Range Fiscal Implications